By: Todd Staples

S.J.R. No. 17

SENATE
~~A~~ JOINT RESOLUTION

proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article I, Texas Constitution, is amended by adding Section 11b to read as follows:

Sec. 11b. VIOLATION OF CONDITION OF RELEASE PENDING TRIAL; DENIAL OF BAIL. Any person accused of a felony in this state who is released on bail pending trial and whose bail is subsequently revoked or forfeited for a violation of a condition of release may be denied bail pending trial on a determination by a district judge in this state, at a subsequent hearing to set or reinstate bail, that the person violated a condition of release.

Insert F.A.#1

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 2005. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial."

Do not strike

3-30-05 JC
4-7-05 JC / Fl. Am.
~~5-9-05~~ / Fl. Am.

BILL ANALYSIS

Senate Research Center
79R321 PEP-D

S.J.R. 17
By: Staples
Criminal Justice
3/24/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law requires a defendant to be released on a reduced bond or a personal bond if the state is not ready for trial within 90 days of an arrest in a felony case. Defendants who violate parole by committing additional offenses are guaranteed to be offered bond and the state does not have the ability to hold the defendant without bond until the time of the trial.

S.J.R. 17 proposes an amendment to the Texas Constitution to authorize denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article I, Texas Constitution, by adding Section 11b, as follows:

> Sec. 11b. VIOLATION OF CONDITION OF RELEASE PENDING TRIAL; DENIAL OF BAIL. Authorizes any person accused of a felony in this state who is released on bail pending trial and whose bail is subsequently revoked or forfeited for a violation of a condition of release to be denied bail pending trial on a determination by a district judge in this state, at a subsequent hearing to set or reinstate bail, that the person violated a condition of release.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held on November 8, 2005. Requires the ballot to be printed to permit voting for or against the specific proposition.

JB

By: Staples S.J.R. No. 17

(In the Senate - Filed February 18, 2005; March 1, 2005, read first time and referred to Committee on Criminal Justice; March 30, 2005, reported favorably by the following vote: Yeas 4, Nays 0; March 30, 2005, sent to printer.)

SENATE JOINT RESOLUTION

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BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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* * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR (SJR) SR HB HCR HJR 17

By Staples
(Author/Senate Sponsor)

3/30/05
(date)

We, your Committee on **CRIMINAL JUSTICE**, to which was referred the attached measure, have on 3/29/05 (date of hearing), had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

(✓) do pass and be printed

( ) do pass and be ordered not printed

( ) and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. (✓) yes ( ) no

A revised fiscal note was requested. ( ) yes ( ) no

An actuarial analysis was requested. ( ) yes ( ) no

Considered by subcommittee. ( ) yes ( ) no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Whitmire, Chair	✓			
Senator Seliger, Vice-Chair	✓			
Senator Carona			✓	
Senator Ellis	✓			
Senator Hinojosa			✓	
Senator Ogden			✓	
Senator Williams	✓			
TOTAL VOTES	4	0	3	0

COMMITTEE ACTION

(S260) Considered in public hearing
(S270) Testimony taken

COMMITTEE CLERK

CHAIR

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

WITNESS LIST

SJR 17

SENATE COMMITTEE REPORT

Criminal Justice

March 29, 2005 - 1:30PM

FOR: Beckwith, Elmer District Attorney Cherokee County (Self), Rusk, TX

Registering, but not testifying:

On: Edmonds, Shannon Attorney (TDCAA), Austin, TX

BILL ANALYSIS

Senate Research Center
79R321 PEP-D

S.J.R. 17
By: Staples
Criminal Justice
3/24/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law requires a defendant to be released on a reduced bond or a personal bond if the state is not ready for trial within 90 days of an arrest in a felony case. Defendants who violate parole by committing additional offenses are guaranteed to be offered bond and the state does not have the ability to hold the defendant without bond until the time of the trial.

S.J.R. 17 proposes an amendment to the Texas Constitution to authorize denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.

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SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held on November 8, 2005. Requires the ballot to be printed to permit voting for or against the specific proposition.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 23, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: **SJR17** by Staples (Proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.), **As Introduced**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is $66,497.

The resolution would require that a proposed constitutional amendment be placed on the ballot at an election to be held November 8, 2005 to authorize a district judge to deny bail to a felony criminal defendant who violates a condition of the defendant's release pending trial.

Local Government Impact

If the amendment were to be adopted by the voters, and if there were to be an increase in the number of persons denied bail as a result of enactment of the amendment, there would be an increase in the number of persons held in a county jail pending trial. According to the Texas Commission on Jail Standards, the statewide average incarceration rate is $36 per day per inmate. The cost for incarcerating persons denied bail pending trial would vary, depending on the number of days held, the number of persons denied bail, and the individual incarceration rate of each county jail.

Source Agencies:
LBB Staff: JOB, KJG, DLBa

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: **SJR17** by Staples (Proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.), **As Introduced**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:
LBB Staff: JOB, BT

ADOPTED

APR 07 2005

Secretary of the Senate

FLOOR AMENDMENT NO. 1 BY: Staples

Amend S.J.R. 17, in SECTION 1 of the bill (committee printing page 1, line 13 19), between "released" and before the period "." by inserting the following:

"or related to the safety of a victim of the alleged offense or to the safety of the community"

Insert F.A. #1 at p. 1, l. 13 JCC 4/7/05

F1. Am. #1 5-9-05

Engrossed April 7, 2005
Mardi Alexander
Engrossing Clerk

I certify this to be a true and correct copy of the indicated document as referred or transmitted to committee.

Chief Clerk of the House

By: Staples (Gattis) S.J.R. No. 17

SENATE JOINT RESOLUTION

proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 2005. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial."

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 23, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: **SJR17** by Staples (Proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.), **As Introduced**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is $66,497.

The resolution would require that a proposed constitutional amendment be placed on the ballot at an election to be held November 8, 2005 to authorize a district judge to deny bail to a felony criminal defendant who violates a condition of the defendant's release pending trial.

Local Government Impact

If the amendment were to be adopted by the voters, and if there were to be an increase in the number of persons denied bail as a result of enactment of the amendment, there would be an increase in the number of persons held in a county jail pending trial. According to the Texas Commission on Jail Standards, the statewide average incarceration rate is $36 per day per inmate. The cost for incarcerating persons denied bail pending trial would vary, depending on the number of days held, the number of persons denied bail, and the individual incarceration rate of each county jail.

Source Agencies:

LBB Staff: JOB, KJG, DLBa

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: **SJR17** by Staples (Proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.), **As Introduced**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, BT

05 MAY -4 PM 7:39
HOUSE OF REPRESENTATIVES

HOUSE COMMITTEE REPORT

1st Printing

By: Staples (Gattis) S.J.R. No. 17

SENATE JOINT RESOLUTION

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SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 2005. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial."

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

5/3/05
(date)

Sir:

We, your COMMITTEE ON CRIMINAL JURISPRUDENCE

to whom was referred SJR 17 have had the same under consideration and beg to report back with the recommendation that it

(X) do pass, without amendment.
( ) do pass, with amendment(s).
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

(X) yes ( ) no A fiscal note was requested.
(X) yes ( ) no A criminal justice policy impact statement was requested.
( ) yes (X) no An equalized educational funding impact statement was requested.
( ) yes (X) no An actuarial analysis was requested.
( ) yes (X) no A water development policy impact statement was requested.
( ) yes (X) no A tax equity note was requested.

( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor Gattis

Joint Sponsors: / / /

Co-Sponsors:

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Keel, Chair	X			
Riddle, Vice-Chair	X			
Peña, CBO	X			
Moreno, P.				X
Denny				X
Reyna	X			
Raymond				X
Hodge				X
Escobar	X			

Total
5 aye
0 nay
0 present, not voting
4 absent

CHAIR

BILL ANALYSIS

S.J.R. 17
By: Staples
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires a criminal defendant to be released on a reduced bond or a personal bond if the state is not ready for trial within 90 days of arrest in a felony case. However, defendants who violate a condition of their bond are guaranteed to be offered an additional bond because current law does not allow the state to hold the defendants without bond until the time of the trial. SJR 17 proposes an amendment to the Texas Constitution to authorize denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SJR 17 proposes an amendment to the Texas Constitution to authorize denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial related to the safety of a victim of the alleged offense or to the safety of the community. The election on the specific proposition would take place on November 8, 2005.

EFFECTIVE DATE

SJR 17 requires the proposed constitutional amendment to be submitted to the voters at an election to be held on November 8, 2005, and requires the ballot to be printed to permit voting for or against the specific proposition.

SUMMARY OF COMMITTEE ACTION

SJR 17

April 26, 2005 2:00PM or upon final adjourn./recess

Considered in public hearing
Testimony taken in committee (See attached witness list.)
Left pending in committee

May 3, 2005 2:00PM or upon final adjourn./recess

Considered in public hearing
Reported favorably without amendment(s)

2

WITNESS LIST

SJR 17
HOUSE COMMITTEE REPORT
Criminal Jurisprudence Committee

April 26, 2005 - 2:00PM or upon final adjourn./recess
Against: Jones, Amanda (Harris County Pre-Trial Services)

3

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 19, 2005

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: **SJR17** by Staples (Proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.), **As Engrossed**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is $66,497.

The resolution would require that a proposed constitutional amendment be placed on the ballot at an election to be held November 8, 2005 to authorize a district judge to deny bail to a felony criminal defendant who violates a condition of the defendant's release pending trial.

Local Government Impact

If the amendment were to be adopted by the voters, and if there were to be an increase in the number of persons denied bail as a result of enactment of the amendment, there would be an increase in the number of persons held in a county jail pending trial. According to the Texas Commission on Jail Standards, the statewide average incarceration rate is $36 per day per inmate. The cost for incarcerating persons denied bail pending trial would vary, depending on the number of days held, the number of persons denied bail, and the individual incarceration rate of each county jail.

Source Agencies:
LBB Staff: JOB, KJG, DLBa

A

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 23, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

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Source Agencies:
LBB Staff: JOB, KJG, DLBa

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LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

79TH LEGISLATIVE REGULAR SESSION

April 19, 2005

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: **SJR17** by Staples (Proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:
LBB Staff: JOB, BT

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

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Source Agencies:
LBB Staff: JOB, BT

7

Enrolled May 9 2005
Mardi Clerpool
Enrolling Clerk

S.J.R. No. 17

SENATE JOINT RESOLUTION

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S.J.R. No. 17

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 17 was adopted by the Senate on April 7, 2005, by the following vote: Yeas 25, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 17 was adopted by the House on May 9, 2005, by the following vote: Yeas 143, Nays 0, two present not voting.

Chief Clerk of the House

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 19, 2005

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

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Source Agencies:
LBB Staff: JOB, KJG, DLBa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 23, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: **SJR17** by Staples (Proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.), **As Introduced**

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Source Agencies:
LBB Staff: JOB, KJG, DLBa

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

79TH LEGISLATIVE REGULAR SESSION

April 19, 2005

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: **SJR17** by Staples (Proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, BT

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

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Source Agencies:

LBB Staff: JOB, BT

3/9cert

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 17 was adopted by the Senate on April 7, 2005, by the following vote: Yeas 25, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 17 was adopted by the House on May 9, 2005, by the following vote: Yeas 143, Nays 0; two present not voting.

Chief Clerk of the House

S.J.R. No. 17 By STAPLES

proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.

FEB 18 2005 Filed with the Secretary of the Senate

MAR 01 2005 Read and referred to Committee on CRIMINAL JUSTICE

MAR 30 2005 Reported favorably

_____ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

_____ Ordered not printed

_____ Laid before the Senate

APR 07 2005 Senate and Constitutional Rules to permit consideration suspended by: {unanimous consent / ____ yeas, ____ nays}

APR 07 2005 Read second time, amended, and ordered engrossed by: {~~unanimous consent~~ / a viva voce vote / ____ yeas, ____ nays}

APR 07 2005 Senate and Constitutional 3 Day Rule suspended by a vote of 24 yeas, 1 nays.

APR 07 2005 Read third time, _____, and passed by: 25 yeas, 0 nays

Patsy Spaw
SECRETARY OF THE SENATE

OTHER ACTION:

April 7, 2005 Engrossed

_____ Sent to House

Engrossing Clerk Mardi Alexander

APR 11 2005 Received from the Senate

APR 12 2005 Read first time and referred to Committee on Criminal Jurisprudence

MAY - 3 2005 Reported ____ favorably ([redacted]) ([redacted])

MAY - 5 2005 Sent to Committee on Calendars

MAY 09 2005 Read second time ([redacted]st.) ([redacted]) and adopted ([redacted]) by a record vote of 143 yeas, 0 nays, 2 present, not voting

_____ Read third time (amended) and finally adopted (failed of adoption) by a record vote of _____ yeas, _____ nays, _____ present, not voting

MAY 09 2005 Returned to Senate.

Robert Haney
CHIEF CLERK OF THE HOUSE

MAY 09 2005 Returned from House without amendment.

_____ Returned from House with _____ amendments.

_____ Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____

_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____ , Chairman;

_____ , _____ , _____ .

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
{ _____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
{ _____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
{ _____ yeas, _____ nays

05 MAY -4 PM 7:39
HOUSE OF REPRESENTATIVES